

RESOLUTION NO. 12-103

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADMONISHING ANY MEMBER OF THE CITY COUNCIL WHO ATTENDS A PLANNING AND ZONING BOARD MEETING IN WHICH A MEMBER'S CONDUCT, AT ANY POINT DURING THE MEETING, CAN BE PERCEIVED AS OVERTLY OR TACITLY TELEGRAPHING SUPPORT FOR AN AGENDA ITEM, SUCH AS SITTING NEXT TO THE APPLICANT OR THE APPLICANT'S ATTORNEY IMMEDIATELY PRIOR TO OR DURING THE PRESENTATION OF THE ITEM; AND THAT IN ORDER TO AVOID THE APPEARANCE OF IMPROPRIETY, INTIMIDATION OR UNDUE INFLUENCE, COUNCIL MEMBERS SHOULD REFRAIN FROM ATTENDING PLANNING AND ZONING BOARD MEETINGS BECAUSE OF THE RISK THAT A SELECTIVE APPEARANCE AT SUCH MEETINGS MAY INDICATE A PERSONAL INTEREST IN THE OUTCOME OF AN ITEM.

WHEREAS, the legitimacy of quasi-judicial zoning decisions lies in public and open discussion of the application's merit;

WHEREAS, any conduct that creates the appearance that an applicant has influence and power to affect the outcome of the petition erodes the public's trust; and

WHEREAS, Council members, as final decision makers in quasi-judicial zoning matters, must preserve the integrity of the process by being careful not to taint the process even through unintended conduct; and

WHEREAS, the Council member will have access to the tape of the proceedings of the Planning and Zoning Board as well as any evidence presented to or received by the Planning and Zoning Board as part of the City Council agenda when the City Council considers the item.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The findings and recitations contained in preamble to this resolution are hereby incorporated by reference as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida hereby admonishes any member of the City Council, who attends a Planning and Zoning Board meeting in which a member's conduct, at any point during the meeting, can be perceived as overtly or tacitly telegraphing support for an agenda item, such as sitting next to the applicant or the applicant's attorney immediately prior to or during the presentation of the item; and that to avoid the appearance of impropriety, intimidation or undue influence, Council members should refrain from attending Planning and Zoning Board meetings because of the risk that a selective appearance at such meetings may indicate a personal interest in the outcome of an item.


PASSED AND ADOPTED this 28th day of August, 2012.


 Isis Garcia-Martinez
 Council President

Attest:

Approved on this 2 day of September, 2012.


 David Concepcion, City Clerk


 Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


 William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".